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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/734,678

12/15/2003

Darren Womack

032915-0145

6318

22428

7590

02/15/2006

FOLEY AND LARDNER LLP
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EXAMINER

GORDON, STEPHEN T

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 02/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/734,678	Applicant(s) WOMACK ET AL.	
	Examiner Stephen Gordon	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-31 is/are pending in the application.
- 4a) Of the above claim(s) 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-22 and 24-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/15/04&4/18/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 6). Other: IDS of 8/4/05;8/24/05; 11/17/05; and 12/2/05; additionally attached - marked up copies of figure 2 of 4,239,139 and cover page figure of 4,915,342 .

DETAILED ACTION

1. Claim 23 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species. Election was made **without** traverse in the reply filed on 12-2-05.

2. The disclosure is objected to because of the following informalities: the status of the relied upon applications on pages 1 and 4 should be updated to reflect current status (e.g. issued patent etc.).

Appropriate correction is required.

3. Claims 16-22 and 24-31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16, "the direction of a rail" lacks clear antecedent basis. Note the term additionally appears in claim 20.

Claim 26, the recited rail is confusing as it is not clear if/how it relates to the referenced rail of the base claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 16-17, 21, 24, and 27-31, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Bott '139.

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Claim 16, see marked up copy of figure 2 of Bott 4,239,139 attached to this action.

Claim 17, the fitting is deemed adapted to engage a scallop as broadly claimed.

Further, in as much as a scallop per se is not a positively recited element of the instant combination, the functional/positional language relating thereto is given little patentable weight.

Claims 21, 24, 28, 30, and 31, the device is configured as broadly claimed.

Claim 27, the threaded stud of the wheel reads on the projection as broadly claimed.

Claim 29, the device could function as broadly claimed and is deemed configured as broadly claimed.

6. Claims 16-18, 24, and 27-28, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Nilsson '342.

Claim 16, see marked up copy of cover page figure of Nilsson 4,915,342 attached to this action.

Claim 17, the fitting is deemed adapted to engage a scallop as broadly claimed.

Further, in as much as a scallop per se is not a positively recited element of the instant combination, the functional/positional language relating thereto is given little patentable weight.

Claim 18, see figure 6.

Claims 24 and 28, the device is configured as broadly claimed.

Claim 27, at least one of the elements 28 reads on the projection as broadly claimed.

7. Claims 16-17, 19- 22, 25, 27 and 31, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ingram '501.

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Claim 16, note main body 46, aperture receiving wheel 95+ (see figure 3 etc.), tie catch (i.e. either the vertical leg of "T" shaped base 44 or one of the horizontal legs of the 44 "T"), locking plate 84+, and rail 26+.

Claim 17, the fitting is deemed adapted to engage a scallop as broadly claimed.

Further, in as much as a scallop per se is not a positively recited element of the instant combination, the functional/positional language relating thereto is given little patentable weight.

Claim 19, the downward projecting portion of the T shaped base 44 reads on the catch, and the horizontal arms of the T of 44 read on the projections as broadly claimed.

Claim 20, the horizontal arms of the T-shaped portion 44 read on the catches as broadly claimed.

Claim 21, body 46 is generally D shaped as broadly claimed – note figure 3.

Claim 22, the upper portion of 46 defines radiuses and reads on the arcuate portion as broadly claimed.

Claim 25, the catches are cleat shaped as broadly claimed and as best understood.

Claim 27, downwardly projecting portion of T 44 reads on the projection as broadly claimed.

Claim 31, the device is configured as broadly claimed.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 26, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Bott '139.

Bott teaches all of the claimed features as discussed regarding claim 16 above and further teaches use of the tie-down rail system on a roof of a vehicle.


Bott, however, fails to specifically teach use of the rail system with a truck bed.

Use of tie rail systems with a truck bed is notoriously well known in the art in order to better secure loads in the bed. Specific recitation then of the rack system of Bott for use with a truck bed would not define a patentably distinct departure from the teachings of Bott.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (571) 272-6661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Gordon
Primary Examiner
Art Unit 3612

stg

marked up figure for 10/734,678
Attachment to F&M

United States Patent [19]

Nilsson

[11] Patent Number: 4,915,342

[45] Date of Patent: Apr. 10, 1990

[54] CHAIN ANCHOR CLAMP DEVICE

[75] Inventor: Lars-Erik Nilsson, St. Sundby, Sweden

[73] Assignee: Car-O-Liner Company, Wixom, Mich.

[21] Appl. No.: 255,666

[22] Filed: Oct. 11, 1988

[51] Int. Cl.⁴ B61D 45/00; B60P 7/08

[52] U.S. CL 248/500; 248/680; 248/225.1; 410/105

[58] Field of Search 248/500, 503, 506, 680, 248/681, 310, 499, 307, 225.1; 410/101, 104, 105, 116, 111

[56] References Cited

U.S. PATENT DOCUMENTS

2,688,289 9/1954 Sterling 410/104

3,381,925 5/1968 Higuchi 410/116
3,432,197 3/1969 Albertine et al. 248/499 X
3,722,910 3/1973 Heckenlaible 410/104 X
3,779,502 12/1973 Marberg 410/116
3,888,190 6/1975 Bigge 410/101
4,708,549 11/1987 Jensen 410/105

Primary Examiner—Ramon S. Britts

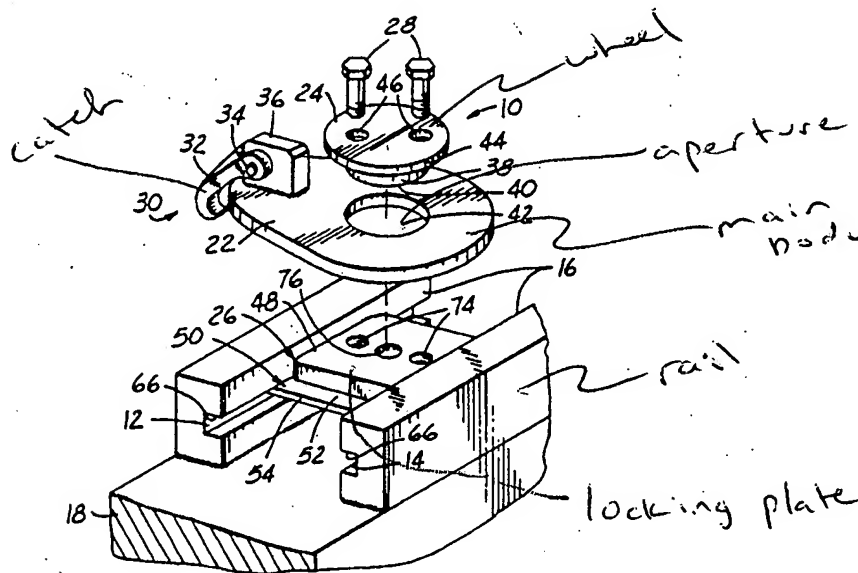
Assistant Examiner—Karen J. Chotkowski

Attorney, Agent, or Firm—Barnes, Kisselle, Raisch, Choate, Whittemore & Hulbert

[57] ABSTRACT

A chain anchor clamp device which secures a vehicle to a straightening bench during a chassis straightening operation. A chain anchor plate is pivotally mounted on a retainer cap releasably connected by bolts to a lock plate slidably receivable in tracks of the bench.

5 Claims, 3 Drawing Sheets



U.S. Patent

Sheet 1 of 2

4,239,139

